

1 Dustin L. Clark, Esq. (Bar #10548)
2 HOLLEY DRIGGS
3 400 South Fourth Street, Third Floor
4 Las Vegas, Nevada 89101
5 Tel: (702) 791-0308
6 Email: dclark@nevadafirm.com

7 Stacey A. Campbell, (Colorado Bar #38378)
8 (*Admitted Pro Hac Vice*)
9 Stacey@Campbell-Litigation.com
10 Alison Lungstrum Macneill, (Colorado Bar #51689)
11 (*Admitted Pro Hac Vice*)
12 Alison@Campbell-Litigation.com
13 CAMPBELL LITIGATION, P.C.
14 1571 Race Street
15 Denver, Colorado 80206
16 Tel: (303) 536-1833
17 *Attorneys for Defendant*

18 Mary F. Chapman, Esq. (#6591)
19 LAW OFFICE OF MARY F. CHAPMAN, LTD.
20 8440 W. Lake Mead Blvd., Suite 203
21 Las Vegas, Nevada 89128
22 Tel: (702) 202-4223
23 Email: maryf.chapman@juno.com
24 *Attorney for Plaintiff*

25
26 **IN THE UNITED STATES DISTRICT COURT**
27 **FOR THE DISTRICT OF NEVADA**

28 DONNA BROWER,

Plaintiff,

v.

MCDONALD'S CORPORATION, a Foreign
Corporation licensed to do business in Nevada,

Defendant.

Case No.: 2:19-cv-02099-GMN-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND
PRETRIAL DEADLINES**

(First Request)

Pursuant to Federal Rules of Civil Procedure 6 and 16(b)(4) as well as LR IA 6-1, LR IA 6-2, LR 7-1, and LR 26-4, Defendant McDonald's Corporation ("Defendant" or "McDonald's") and Plaintiff Donna Brower ("Plaintiff" or "Brower"), by and through their respective attorneys,

1 hereby stipulate and agree to extend the discovery cutoff and other pretrial deadlines by sixty
2 (60) days due to various Stay At Home and/or Shelter In Place Orders issued in response to the
3 coronavirus disease 2019 (“COVID-19”) pandemic. This is the parties’ first stipulation to extend
4 discovery and other pretrial deadlines and is filed not later than twenty-one days before the
5 discovery cutoff.

6 The parties are exchanging discovery, attempting to resolve discovery disputes, and
7 working together to reschedule depositions. To ensure the parties have sufficient time to
8 complete discovery, permit sufficient time for the preparation and filing of dispositive motions,
9 and allow the Court sufficient time to review and rule on any dispositive motion submitted before
10 trial—and for good cause shown—the parties hereby stipulate and respectfully request the Court
11 to extend the remaining discovery and pretrial deadlines as detailed below.

12 In accordance with LR 26-4(a)-(d), the parties provide the following information in
13 support of this stipulation to extend discovery and other pretrial deadlines:

14 **(a) Discovery Completed**

15 The parties have served their initial disclosures. Defendant previously served its first set
16 of written discovery to which Plaintiff has responded. Plaintiff served her first set of
17 interrogatories, as well as her first and second requests for production. Defendant’s responses to
18 Plaintiff’s discovery requests are currently pending.

19 **(b) Discovery That Remains To Be Completed**

20 In addition to the prospect of additional written discovery, the parties have identified
21 individuals whom they plan to depose, and the parties are working together to determine
22 available deposition dates. The parties have conferred and agreed that Defendant will submit its
23 responses to Plaintiff’s discovery requests on April 20, 2020. It is premature at this stage of the
24 litigation for the parties to determine the necessity of any expert witnesses.

25 **(c) Reasons Why The Deadline Was Not Satisfied Or The Remaining Discovery Was**
26 **Not Completed Within The Time Limits Set By The Discovery Plan**

27 On March 16, 2020, Chief Judge Miranda M. Du entered Temporary General Order
28 2020-03, which recognized the recent outbreak of the coronavirus disease 2019 (“COVID-19”)

1 in the District of Nevada, and ordered that “[a]ll civil and criminal trials, including any associated
2 deadlines, are continued until April 10, 2020 pending further order of the Court.” (*See*
3 Temporary General Order 2020-03). Similarly, governments in Illinois and Denver, Colorado,
4 where McDonald’s and its undersigned counsel are located, respectively, issued so-called “Stay-
5 At-Home Orders,” impacting the ability to conduct business as usual.

6 Federal Rule of Civil Procedure 6(b)(1) governs extension of time and provides that “the
7 court may, for good cause, extend the time... if a request is made, before the original time or its
8 extension expires.” The parties hereby stipulate and agree to continue or extend the discovery
9 and pretrial deadlines for sixty (60) days in light of COVID-19, the District of Nevada’s
10 Temporary General Order 2020-03, and the respective Stay-At-Home Orders affecting the
11 parties and their undersigned counsel.

12 **(d) Proposed Schedule For Completing All Remaining Discovery**

13 In accordance with LR 26-4(d), the parties propose the following schedule for completing
14 all remaining discovery:

15 1. Discovery Cut-Off Date: Monday, **August 31, 2020**.

16 2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): In accordance with Federal Rule
17 of Civil Procedure 26(a)(2), initial disclosures identifying experts shall be made sixty (60) days
18 prior to the discovery cut-off date, and therefore, not later than Thursday, **July 2, 2020**, and
19 disclosures identifying rebuttal experts shall be made thirty (30) days after the initial disclosure
20 of experts and, therefore, not later than Monday, **August 3, 2020**, since the thirtieth day falls on
21 a Saturday.

22 3. Interim Status Report: In accordance with LR 26-3, an Interim Status Report will
23 be filed by the parties with the Court sixty (60) days prior to the discovery cut-off date, and
24 therefore, not later than, Thursday, **July 2, 2020**.

25 4. Dispositive Motion deadline: The parties shall file dispositive motions not more
26 than thirty days after the discovery cutoff date and, therefore, not later than Wednesday,
27 **September 30, 2020**.

1 5. Joint Pretrial Order: If no dispositive motions are filed, and unless otherwise
2 ordered by this Court, the joint pretrial order shall be filed not more than thirty days after the
3 date set for filing dispositive motions and, therefore, not later than Friday, **October 30, 2020**. If
4 a dispositive motion is filed, the date for filing the joint pretrial order shall be suspended until
5 thirty days after an order on the dispositive motions or until further order of the Court.

6 6. Subsequent Requests to Extend the Discovery Cut-Off Date: In accordance with
7 LR 26-4, a stipulation or motion for modification or extension of a discovery plan and scheduling
8 order “must be received by the court no later than 21 days before the expiration of the subject
9 deadline.” *Id.* Therefore, any subsequent request to extend the discovery cut-off date must be
10 filed not later than Monday, **August 10, 2020**, which is twenty-one days prior to the August 31,
11 2020 discovery cut-off date requested herein.

12 7. Any deadline not extended pursuant to this Stipulation and Order shall remain
13 controlled by the Joint Discovery Plan and Scheduling Order, ECF No. 27.

14 For the reasons set forth above, the parties stipulate and agree to extend the discovery
15 cutoff and the other pretrial deadlines as detailed herein for sixty (60) days, and neither party
16 will be prejudiced by the extension of the deadlines above.

17 Dated: March 27, 2020

 Dated: March 27, 2020

18 /s/ Mary F. Chapman
19 MARY F. CHAPMAN, ESQ.
20 Law Office of Mary F. Chapman, Ltd.
21 Attorney for Plaintiff Donna Brower

/s/ Dustin L. Clark, Esq.
 ALISON LUNGSTRUM MACNEILL, ESQ.
 (Admitted Pro Hac Vice)
 STACEY A. CAMPBELL, ESQ.
 (Admitted Pro Hac Vice)
 Campbell Litigation, P.C.

22 DUSTIN L. CLARK, ESQ.
23 Holley Driggs

24 Attorneys for Defendant McDonald's Corp.

25
26 **IT IS SO ORDERED.**

27 
28 UNITED STATES MAGISTRATE JUDGE

DATED: 3/30/2020